

12-CV-185-JL

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DISTRICT COURT
 DISTRICT OF N.H.
 FILED

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U.S.D.C
 Office of the Clerk
 55 Pleasant St. Room 110
 Concord, NH 03301

8/29/2013

Dear Mr. Clerk;

I just got the respondent motion for Summary Judgment this Day 21/8/2013. that I want to correct some facts that the state seem running away from it or just don't wants to state the fact like always and some issues with the statement made during trial in 2008.

1) I was tried convicted and sentence by James Barry September 25, 26, 2008. Judge (Abramson J.) only preside on the motion to dismiss indictment that was prejudice.

2) On Feb 15, 2011, the trial court (Paul H. Lawrence) of the District Court of Goffstown heard testimony for the motion to withdraw Nolo contendere plea, not Judge (Bernstein, J.) of the Coos county Superior Court. see; appeal Doc No 2011-0482, State v. Ali, 7/25/2011.

Bornstein preside on the writ of habeas corpus, see; *Ali v. Reilly*, 214-2012-cv-178 - has the same issues but not on date.

3) Once again, the Habeas Corpus ~~is~~ filed on March 8, 2011, Judge (Garfunkel J.) Ruled on the petition despite not having legal jurisdiction over said writ. *Rumsfeld v. Padilla*, 542 U.S. 438 (L.ed. 2d (2004)) Habeas statute straightforwardly provides that the proper respondent to a hab. is the "person who has custody over the petitioner. My place of confinement was in Merrimack county and under Richard Gerry was the respondent. So my constitutional claim can be properly preserved for Federal Review. This Court has the copy of motion to refiled my petition. The State keeps informing the Court that the petition was dismissed with prejudice by every argument when the Court have no legal authority over said writ. Page, 20, 27, 32. This is the tactic confusion of the State respondent. I'm just informing the Honorable of the States errors that could affect this Court decision.

Also I would like to file the trial transcript of 9/25, 26, 2008, and the Appellate brief and state that the respondent states they will file with this Court. I wonder why they didn't. Because there is facts to my unconstitutional conviction and the trial Court prejudice. The law library would not allowed me to copies those document because I don't have money in my account right now. But within a week and a half I may do so, before this Honorable Court makes its decision that would mean relief to my work that I start from nothing, but to stand for my rights.

If you have any question, please write back ASAP.

Thank You!

Robbie